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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

JUAN GARCIA,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

DENNIS CARROLL, being duly sworn, deposes and states that he is a Deportation Officer with United States Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

On or about December 11, 2011, within the Eastern District of New York and elsewhere, the defendant JUAN GARCIA, being an alien who had previously been arrested and convicted of a felony, and was thereafter excluded and removed from the United States, and who had not made a re-application for admission to the United States to which the Secretary of the Department of Homeland Security, successor to the Attorney General of the United States, had expressly consented, entered the United States.

(Title 8, United States Code, Section 1326(b)(1)).

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ SEP 11 2012 ★

LONG ISLAND OFFICE  
COMPLAINT AND AFFIDAVIT  
IN SUPPORT OF ARREST WARRANT

(T. 8, U.S.C., §§ 1326(a)  
and 1326(b)(1))

**MJ-12-838** AKT

The source of your deponent's information and the grounds for his belief are as follows:<sup>1/</sup>

1. I am a Deportation Officer with ICE and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation, my review of the ICE investigative file, including the defendant's criminal history record, and from reports of other law enforcement officers involved in the investigation.

2. The defendant JUAN GARCIA is a citizen of El Salvador. On August 25, 2009, the defendant GARCIA was sentenced to six months incarceration after pleading guilty to Assault in the Second Degree, a D Felony, in Suffolk County Superior Court.

3. On January 28, 2010, the defendant JUAN GARCIA was deported to El Salvador by ICE. A photograph was taken of defendant GARCIA upon his deportation.

4. I have been advised that an individual, hereinafter referred to as cooperating source #1 (CS #1), advised s/he was present in La Luna, a bar in Central Islip, on December 11, 2011. CS #1 observed the defendant JUAN GARCIA in the bar and indicated that s/he observed defendant GARCIA and others

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<sup>1/</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all of the relevant facts and circumstances of which I am aware.

involved in a bar fight. CS #1 was shown a photographic array containing six photographs and CS #1 picked out defendant JUAN GARCIA as one of the individuals involved in the bar fight.

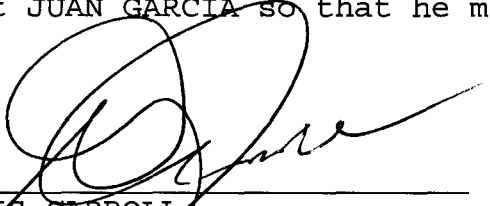
4. I have also been advised that an individual, hereinafter referred to as cooperating source #2 (CS #2), told law enforcement agents that on or about December 11, 2011, CS #2, the defendant JUAN GARCIA and others were present inside of La Luna, bar in Central Islip, where a fight occurred. Later that evening, CS #2, the defendant JUAN GARCIA and a third individual were present inside of a motor vehicle (Vehicle #1) in Central Islip, New York. At that time, CS #2 observed the defendant GARCIA in possession of a firearm which defendant GARCIA then, from inside of Vehicle #1, used to shoot at individuals inside of another vehicle (Vehicle #2). Three people riding in Vehicle #2 were struck with bullets, one of whom was struck in the neck and subsequently died.

5. I have further been advised that an individual hereinafter referred to as cooperating source #3 (CS #3), an associate of the defendant JUAN GARCIA, advised that s/he spoke with defendant GARCIA in Suffolk County on December 11, 2011. During that meeting, the defendant GARCIA admitted that he was involved in the above-described shooting and that he had killed someone. A photograph of the defendant JUAN GARCIA was showed to CS #3 and CS #3 identified defendant GARCIA as the individual he


met with in Suffolk County, New York on December 11, 2011, and who admitted engaging in the shooting in Central Islip.

6. I have viewed the photograph of the defendant JUAN GARCIA shown to CS #3 and recognize the individual depicted in the photograph as the same defendant JUAN GARCIA previously deported by ICE.

WHEREFORE, your deponent respectfully requests that a warrant be issued for the defendant JUAN GARCIA so that he may be dealt with according to law.

  
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DENNIS CARROLL  
Deportation Officer  
United States Immigration and  
Customs Enforcement

Sworn to before me this  
11th day of September, 2012

  
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HONORABLE A. KATHLEEN TOMLINSON  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK